

Advanced Legal Writing

Fall 2024 Syllabus

WRIT 440 ▪ Antonio Elefano



Course Details:

Section 65504
Mon/Wed. 2-3:50 p.m.
in GFS 229 or
alternatively (in case of
emergency):

<https://usc.zoom.us/j/92781859799>

Meeting ID: 927 8185
9799

Professor:

Antonio Elefano
elefano@usc.edu

Office: JEF 235

Phone: 213-740-4945

Office Hours:

MW 12-12:45 pm and by
appointment in JEF 235
or

<https://usc.zoom.us/j/5334608479>

Meeting ID: 533 460
8479

Required Texts &

Supplies:

- Antonio Elefano's
Legal Writing for the Undergraduate
- Ross Guberman's
Point Made
- Assigned readings,
distributed in class
and/or posted on
Blackboard (Bb)

Introduction

The vast majority of legal work happens not in a courtroom but on a page. To be a great lawyer, you must be a great writer. In this course, you will discern holdings from dense and sometimes poorly written legal opinions; you will grapple with a myriad of analytical possibilities and execute arguments while keeping in mind the strategy of your opposition.

WRIT 440 is the final course in USC's writing progression. It is an elective class, meant as a continuation of WRIT 340—Advanced Writing for Pre-Law Students. In WRIT 340, the goal was to make sure you could read and analyze case law and synthesize your understanding into cogent arguments. In WRIT 440, you will be introduced to a new writing form—the appellate brief—and will further hone your skills in oral advocacy. We will do all of the above while parsing pending litigation going before the Ninth Circuit. After playing the advocate in these real-world cases, you will then switch gears to take on the role of judge, deciding the cases we hear as you believe they should be decided.

At the end of the course, you will have an opportunity to research a case of your choosing anywhere in the United States pursuant to Southwestern Law School's Amicus Project. On one of the last days of class, you will make a formal proposal before a panel of law professors regarding a case for which you believe they should advocate. If your case is chosen, you have an opportunity, not just to learn about contemporary law, but to actually shape it.

Attendance and Participation

You are allowed two excused absences throughout the semester. Absences are only **excused if you e-mail me ahead of time to let me know you will not be in class.** You don't have to provide an excuse or supporting documentation (no doctor's notes required); all I demand is notice. (Note: missing a conference is the same as missing class and also requires advance notice.)

Every unexcused absence—meaning every absence in which you fail to provide notice and/or any absence beyond the excused two—will result in a grade penalty on the Daily Work portion of your final grade. Students with more than eight absences in a given semester will be advised to withdraw to avoid a failing mark.

If you miss a class, you are responsible for finding out what work you missed from one of your classmates (though this syllabus will also be instructive). Also, you are responsible for any assignments due on a day you don't attend; accordingly, you must either submit them onto Blackboard or send them to me via e-mail.

Evaluation

Your final semester mark will be determined as follows:

Important Dates:

Mon., Sept. 4: Labor Day

Fri., Oct. 13: Fall Break

Wed., Nov. 22-Fri., Nov. 24: Thanksgiving Break

Fri., Dec. 1: Last day of class

- 20% **Daily Work** – includes ancillary writing, class participation, memos and homework
- 20% **A1: Appellate Brief**– argumentative brief for a case before the Ninth Circuit
- 10% **Oral Argument** – mock oral argument for a case before the Ninth Circuit
- 25% **A2: Judicial Opinion** – opinion for a case before the Ninth Circuit
- 25% **A3: Amicus Presentation** – 5-6 minute presentation including Q&A regarding a case for Southwestern Law’s Amicus Project

Late Papers and Extensions

Writing assignments are due on Blackboard and/or in hard copy on the day and time indicated on the syllabus. Only under dire circumstances (**the LSAT doesn’t qualify**) will late work be accepted. Late papers will be penalized one full letter grade (e.g., A to B) for each **calendar day** they are late. Once you’ve reached three calendar days past the due date, the paper will not be accepted at all.

Conferences

On multiple occasions throughout the semester we will meet in conferences in lieu of our regular class period. Some of these conferences will be scheduled as individual meetings with me while others may be organized as small group sessions. During conference weeks my regular office hours will be canceled.

Classroom Etiquette

Mobile devices should be shut off during class and during individual and group conferences. Laptops may be used for note taking, but if they prove distracting, I reserve the right to ban them as well. In the event we have to switch to online instruction, I would prefer that you activate your camera for every Zoom session and that you keep your focus on class during class time.

Syllabus

Class	Topic	Assignment for next class
1 Mon. Aug. 26	Introductions <ul style="list-style-type: none"> • Discuss assigned Ninth Circuit case, <i>Gopher Media LLC v. Melone</i> • Introduction to Course • Discuss Guberman, Part 1: The Theme • Discuss Assignment 1: Ninth Circuit Brief and Assignment 1a: First Amendment Rights at Zabaneh High 	<ul style="list-style-type: none"> • Read Guberman, Part 2: The Tale • Read Elefano Ch. 6 on Legal Writing Fundamentals • Read Elefano Ch. 13 on Appellate Briefs • <u>Assignment 1a is due on Blackboard on Sunday, Sept. 22 at 11:59 p.m. Bring 1 hard copy to class on Monday, Sept. 23.</u>
2 Wed. Aug. 28	Crafting the Facts <ul style="list-style-type: none"> • Discuss <i>Gopher Media LLC</i> facts • Discuss Guberman reading • <i>I Care a Lot</i> exercise • Begin crafting A1’s Statement of the Case 	<ul style="list-style-type: none"> • Read Elefano Ch. 12 on Legal Research

Class	Topic	Assignment for next class
Monday, September 2: Labor Day (No Class)		
3 Wed. Sept. 4	Basics of Legal Research <ul style="list-style-type: none"> • Legal Research workshop • Develop research plan for Ninth Circuit case • Check in for A1a Assignment 	<ul style="list-style-type: none"> • Read Guberman, Part 3: The Meat
4 Mon. Sept. 9	A1: Outlining Arguments <ul style="list-style-type: none"> • Discuss how to outline a legal brief • Work in class to outline A1 brief • A1a Progress Report 	<ul style="list-style-type: none"> • Read Guberman, Part 4: The Words
5 Wed. Sept. 11	A1: Crafting the Appellate Brief <ul style="list-style-type: none"> • Discuss the parts of an appellate brief • Develop a writing plan/division of labor among A1 groups • Work in class to start crafting A1 • *Judge Maame Frimpong Research Presentation due 	<ul style="list-style-type: none"> • Read Guberman Part 5: The Close • Craft 3 questions to ask Judge Frimpong and her clerks next week
6 Mon. Sept. 16	Introduction to A3: Southwestern Amicus Project and In-Class Work Day: A1: Ninth Circuit Brief <ul style="list-style-type: none"> • Discuss strategies for researching Southwestern Amicus Project • Discuss Judge Frimpong questions for court session • Continue work on A1: Ninth Circuit brief 	<ul style="list-style-type: none"> • Continue work on A1: Ninth Circuit Brief (<u>due Tues., Oct. 15</u>) • Begin researching 2 possible cases for A3: Southwestern Amicus Project
7 Week of Sept. 16- 20	C.D. of California Observation <ul style="list-style-type: none"> • One day this week, we'll meet at the 350 West 1st Street Courthouse in LA. Arrive by 8 am to go through security, bring a mask, and meet in front of courtroom 8B, the chambers of Maame Frimpong 	<ul style="list-style-type: none"> • Continue work on A1: Ninth Circuit Brief • Continue researching 2 possible cases for A3: Southwestern Amicus Project • <u>Assignment 1a is due on Blackboard on Sunday, Sept. 22 at 11:59 p.m. Bring 1 hard copy to class on Monday, Sept. 23.</u>
8 Mon. Sept. 23	A3: Southwestern Amicus Project Initial Research <ul style="list-style-type: none"> • <u>Submit hard copies for Assignment 1a.</u> • Present to class 2 possibilities for Southwestern Amicus Project 	<ul style="list-style-type: none"> • Continue work on A1: Ninth Circuit Brief • Decide which case to pursue for A3: Southwestern Amicus Project and begin researching • Prepare for A1a Oral Argument

Class	Topic	Assignment for next class
9 Wed. Sept. 25	In-Class Work Day: A1: Ninth Circuit Brief <ul style="list-style-type: none"> Assignment A1a Oral Argument Continue work on A1: Ninth Circuit brief *In-Person Activity Memo due 	<ul style="list-style-type: none"> Continue work on A1: Ninth Circuit brief Continue work on A3: Southwestern Amicus Project Reread Elefano Ch. 13 on Oral Arguments: pp. 289-91. Watch <i>Gund v. County of Trinity</i> Oral Arguments (arguments start at 1 hr. mark): https://jcc.granicus.com/player/clip/1584?view_id=12
10 Mon. Sept. 30	Oral Argument Strategy <ul style="list-style-type: none"> Discuss Oral Argument Strategy Continue work on A1: Ninth Circuit brief 	<ul style="list-style-type: none"> Continue work on A1: Ninth Circuit brief Continue work on A3: Southwestern Amicus Project
11 Wed. Oct. 2	In-Class Work Day: A1: Ninth Circuit Brief <ul style="list-style-type: none"> Continue work on A1: Ninth Circuit brief 	<ul style="list-style-type: none"> Continue work on A1: Ninth Circuit brief Be ready to discuss your A3: Southwestern Amicus Project
12 Mon. Oct. 7	Southwestern Amicus Project (Tentative) <ul style="list-style-type: none"> Professor Michael Epstein joins class to discuss project Every student should provide a 2-3 minute summary of their case 	<ul style="list-style-type: none"> Continue work on A1: Ninth Circuit brief Continue work on A3: Southwestern Amicus Project By <u>Tuesday, Oct. 8 at noon</u>, each group should e-mail Professor Elefano: their A1 outline (with each section labeled with the primary scrivener(s)); bring hard copy to conference
13 Wed. Oct. 9	Group Conferences <ul style="list-style-type: none"> Regular class is cancelled Instead, you must attend one 20-minute conference to discuss your progress on A1: Ninth Circuit brief and A3: Southwestern Amicus Project 	<ul style="list-style-type: none"> Continue work on A1: Ninth Circuit brief Continue work on A3: Southwestern Amicus Project
14 Mon. Oct. 14	In-Class Work Day: A1: Ninth Circuit Brief <ul style="list-style-type: none"> Continue work on A1: Ninth Circuit brief *Recruiting Memo due 	<ul style="list-style-type: none"> Complete A1: Ninth Circuit brief. Submit on Bb by <u>Tues., Oct. 15</u>, e-mail to opponents and bring 1 hard copy to next class. Continue work on A3: Southwestern Amicus Project Research 9th Circuit Judicial Panel Judges

Class	Topic	Assignment for next class
15 Wed. Oct. 16	A1 Opening Brief Exchange/ Law School Q&A <ul style="list-style-type: none"> Submit and exchange A1: Ninth Circuit Briefs Discuss reply brief strategy *Ninth Circuit Panel Research Presentation 	<ul style="list-style-type: none"> Prepare for A1: Mock Ninth Circuit Oral Arguments Continue work on A3: Southwestern Amicus Project Craft optional reply brief: <u>due by e-mail to professor and opponents by Sunday, Oct. 20 at noon.</u>
16 Mon. Oct. 21	A1: Mock Ninth Circuit Oral Arguments <ul style="list-style-type: none"> Oral Arguments for all cases You must be present for all arguments 	<ul style="list-style-type: none"> Continue work on A3: Southwestern Amicus Project Prepare 2 questions for judges in Q&A
17** Thurs. Oct. 24	Tentative Ninth Circuit Court Visit <ul style="list-style-type: none"> No class on Wed., Oct. 23; instead, pending court approval, we'll watch arguments in Pasadena on Thursday, Oct. 24 	<ul style="list-style-type: none"> Continue work on A3: Southwestern Amicus Project Read Lebovitz – How to Draft Your First Legal Opinion
18 Mon. Oct. 28	Introduction to Assignment 2: Ninth Circuit Opinion <ul style="list-style-type: none"> Discuss principles of Judicial Opinion Writing Work with assigned group to determine a majority opinion, concurrences and dissents *Recruiting Memo due 	<ul style="list-style-type: none"> Begin work on A2: Ninth Circuit Opinion (<u>due Tues., Nov. 12</u>) Continue work on A3: Southwestern Amicus Project
19 Wed. Oct. 30	Former Student Day <ul style="list-style-type: none"> Be prepared to ask questions of current law students 	<ul style="list-style-type: none"> Continue work on A2: Ninth Circuit Opinion Continue work on A3: Southwestern Amicus Project
20 Mon. Nov. 4	Final Conferences <ul style="list-style-type: none"> Regular class is cancelled Instead, you must attend one 15-minute individual conference 	<ul style="list-style-type: none"> Complete A2: Final Ninth Circuit Judicial Opinions. Submit on Bb by <u>Tues., Nov. 12 at 11:59 p.m.</u> Bring one hard copy to class on Wed., Nov. 15.
21 Wed. Nov. 6		<ul style="list-style-type: none"> Complete written report for A3: Southwestern Amicus Project. Submit on Bb by <u>Tues., Nov. 12 at noon.</u> Bring 1 hard copy to your workshop.
Monday, November 11: Veteran's Day (No Class)		
22 Wed. Nov. 13	Amicus Presentation Workshop A <ul style="list-style-type: none"> Workshop Southwestern amicus presentations 	<ul style="list-style-type: none"> Prepare for Amicus Presentation Workshop

Class	Topic	Assignment for next class
23 Mon. Nov. 18	Amicus Presentation Workshop B <ul style="list-style-type: none"> Workshop Southwestern amicus presentations 	<ul style="list-style-type: none"> Prepare for Amicus Presentation Workshop
24 Wed. Nov 20	Amicus Presentation Workshop C <ul style="list-style-type: none"> Workshop Southwestern amicus presentations 	<ul style="list-style-type: none"> Prepare for Amicus Presentation Workshop
25 Mon. Nov. 25	Amicus Presentation Workshop D <ul style="list-style-type: none"> Submit A2: Ninth Circuit Judicial Opinion Workshop Southwestern amicus presentations 	<ul style="list-style-type: none"> Prepare for Final Amicus Presentations
Wednesday-Friday, November 27-29: Thanksgiving Holiday (No Class)		
26 Mon. Dec. 2	A3: Southwestern Amicus Project <ul style="list-style-type: none"> Presentations for Southwestern Law School Wear business attire Dinner after at location TBD 	
27 Wed. Dec. 4	Final Thoughts <ul style="list-style-type: none"> Bring laptop to class Final Thoughts Course Evaluations *Public Relations Memo due 	

Students with Disabilities

USC welcomes students with disabilities into all of the University's educational programs. The Office of Student Accessibility Services (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at osas.usc.edu. You may contact OSAS at (213) 740-0776 or via email at osasfrontdesk@usc.edu.

Plagiarism

Plagiarism – presenting someone else's ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in SCampus in Part B, Section 11, "Behavior Violating University Standards" policy.usc.edu/scampus-part-b. Other forms of academic dishonesty are equally unacceptable. See additional information in SCampus and university policies on [Research and Scholarship Misconduct](#).

Support Systems

Counseling and Mental Health - (213) 740-9355 – 24/7 on call

studenthealth.usc.edu/counseling

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call

suicidepreventionlifeline.org

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

Relationship and Sexual Violence Prevention Services (RSVP) - (213) 740-9355(WELL), press "0" after hours – 24/7 on call

studenthealth.usc.edu/sexual-assault

Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

Office for Equity, Equal Opportunity, and Title IX (EEO-TIX) - (213) 740-5086

eetix.usc.edu

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

Reporting Incidents of Bias or Harassment - (213) 740-5086 or (213) 821-8298

usc-advocate.symlicity.com/care_report

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office for Equity, Equal Opportunity, and Title for appropriate investigation, supportive measures, and response.

The Office of Student Accessibility Services (OSAS) - (213) 740-0776

osas.usc.edu

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

USC Campus Support and Intervention - (213) 821-4710

campussupport.usc.edu

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

Diversity, Equity and Inclusion - (213) 740-2101

diversity.usc.edu

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

dps.usc.edu, emergency.usc.edu

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call

dps.usc.edu

Non-emergency assistance or information.

Office of the Ombuds - (213) 821-9556 (UPC) / (323-442-0382 (HSC)

ombuds.usc.edu

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

Occupational Therapy Faculty Practice - (323) 442-3340 or otfp@med.usc.edu

chan.usc.edu/otfp

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.